

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

CONCORD MUSIC GROUP, INC., et al.,

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

Case No. 3:23-cv-01092

Chief Judge Waverly D. Crenshaw, Jr.
Magistrate Judge Alistair Newbern

DECLARATION OF ATTORNEY TIMOTHY CHUNG

I, **Timothy Chung**, hereby declare pursuant to 28 U.S.C. § 1746, as follows:

1. I am an attorney at the law firm of Oppenheim + Zebrak, LLP (“O+Z”). I represent Plaintiffs Concord Music Group, Inc., Capitol CMG, Inc., Universal Music Corp., Songs of Universal, Inc., Universal Music – MGB NA LLC, Polygram Publishing, Inc., Universal Music – Z Tunes LLC, and ABKCO Music, Inc. (collectively, “Publishers”) in this matter.

2. I respectfully submit this declaration in support of Plaintiffs’ Reply in Support of Motion for Preliminary Injunction.

3. I have knowledge of the facts stated herein based on personal knowledge and my review of the documents, files, websites, and other items referenced herein. If called upon to do so, I am able to testify competently to the matters as stated herein.

4. Attached as **Exhibit A** hereto are true and correct copies of Anthropic’s publicly available finetuning prompts related to musical compositions, including Publisher-owned works, reflecting human feedback from Anthropic workers, available at <https://huggingface.co/datasets/Anthropic/hh-rlhf>.

5. Since the Complaint was filed, O+Z attorneys and staff have submitted queries regarding musical compositions to Claude through the web browser interface available at <https://claude.ai>. O+Z preserved evidence of Claude's responses to the queries. Attached as **Exhibit B** hereto are true and correct copies of Claude's responses to queries submitted by O+Z, dating from November 2023 through January 2024.

6. Attached as **Exhibit C** hereto are true and correct copies of (1) a screenshot posted to Reddit by user "RekardVolfey" alleging Claude was "using copyrighted material," available at https://www.reddit.com/r/ClaudeAI/comments/16ejmfp/clause_using_copyrighted_material_just_like_its/; and (2) the lyrics to "Return to Pooh Corner" as written and performed by Kenny Loggins from the website of LyricFind.

7. Attached as **Exhibit D** hereto is a true and correct copy of email communications between counsel from Oppenheim + Zebrak, LLP and opposing counsel from Latham & Watkins, LLP regarding a proposed stipulated preliminary injunction order, dating from February 6, 2024 through February 14, 2024.

8. Attached as **Exhibit E** hereto is a true and correct copy of the proposed stipulated preliminary injunction order sent by Oppenheim + Zebrak, LLP to opposing counsel from Latham & Watkins LLP on February 6, 2024.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my personal knowledge and belief.

Executed in New York, NY, this 14th day of February, 2024.



Timothy Chung

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2024, I authorized the electronic filing of a true and exact copy of the foregoing with the Clerk of the Court using the CM/ECF system, which sent notice of such filing to the following:

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/s/ *Timothy Chung*
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